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PART-IIB

THE HIGH COURT OF MEGHALAYA

SHILLONG

NOTIFICATION

The 3rd November, 2021.

No.HCM.II/50/2014-Estt/551. – With the approval of the Hon'ble, the Chief Justice, “**The Bar Council of Meghalaya, Rules, 2021**” is hereby notified.

By Order,

REGISTRAR GENERAL

RULES OF THE BAR COUNCIL OF MEGHALAYA**PREAMBLE**

Whereas it is expedient to provide for carrying out of the purposes of the Advocates Act of 1961, in the State of Meghalaya, the High Court of Meghalaya, in exercise of powers conferred on it by Section 57 of the Advocates Act 1961 and all other powers enabling it in that behalf, do hereby make the first rules for constitution and functioning of the Bar Council of Meghalaya.

CHAPTER I

- A. These rules may be called the Bar Council of Meghalaya Rules, 2021 and shall come into force immediately.
- B. In these Rules, unless there is anything repugnant in the context:-
- (i) "Act" means the Advocates Act, 1961 (XXV of 1961);
 - (ii) "Council" means the Bar Council of Meghalaya.
 - (iii) "Chairman" means the Chairman of the Bar Council of Meghalaya duly elected or authorized to act on that behalf;
 - (iv) "Rules" means the Bar Council of Meghalaya Rules, 2021;
 - (v) "Member" means the member of the Bar Council of Meghalaya;
 - (vi) "Secretary" means the Secretary of the Bar Council of Meghalaya;
 - (vii) "Quota" means the lowest value of votes sufficient to secure the right of a candidate;
 - (viii) "Tribunal" means the Tribunal appointed under the rules to decide election disputes;
 - (ix) "Voter" means an Advocate whose name is entered on the rolls of Advocates prepared and maintained by the Bar Council of Meghalaya under section 17 of the Advocates Act of 1961. Provided that for the purposes of the first election of the Bar Council of Meghalaya, all Advocates in terms of Section 53 of the Advocates Act 1961 who on the date of election, are entitled as of right to practice in the High Court of Meghalaya and all subordinate Courts within the State of Meghalaya and are ordinarily practicing within the territorial jurisdiction of the High Court of Meghalaya shall be deemed to be "voters".

CHAPTER II**ELECTION TO THE BAR COUNCIL**

Rules made under section 15 (2) (a) and (d) of the Advocates Act 1961.

1. Short Title and Commencement: These Rules shall be called the "Bar Council of Meghalaya Election Rules, 2021" and they shall come into force from the date of their approval.
2. These rules shall be subject to the rules made by the Bar Council India under the powers vested in it by the Act.
3. Interpretation: In these Rules, unless the context otherwise requires;
 - (i) "Act" means the Advocates Act, 1961;
 - (ii) "Advocate General" means the Advocate General for the State of Meghalaya.
 - (iii) "Bar Association" means the Bar Associations included in the list kept by the Bar Council of Meghalaya for the purpose of these rules;

- (iv) "Bar Council" means the Bar Council of Meghalaya;
- (v) "Casual Vacancy" means a vacancy that has been caused otherwise than by the expiry of the term of office of a member;
- (vi) "Chairman" means the Chairman of the Bar Council of Meghalaya;
- (vii) "Clear Day" means that time is to reckon exclusive of both the first and the last days;

Illustration: The election of members to a State Bar Council is fixed for the 15th January, 2021. Under the rules of the Bar Council, ballot papers have to be despatched 10 clear days before the date of election. Consequently the last date for the despatch of ballot papers will be 4th January, 2021.

- (viii) "Continuing Candidate" means any candidate not elected and excluded from the poll at any given time;
- (ix) "Counts" means -
 - (a) all the operations involved in the counting of the first preferences recorded for candidates, or
 - (b) all the operations involved in the transfer of the surplus of an elected candidate, or
 - (c) all the operations involved in the transfer of the total value of votes of an excluded candidate, or
 - (d) all other operations involved in, incidental to, or necessary of the entire process of ascertainment of votes.
- (j) "Electoral Roll" means and includes the roll containing the names of the Advocates prepared in accordance with the rules of the Bar Council of India,
- (k) "Exhausted Paper" means a voting paper on which no further preference is recorded for a continuing candidate and includes a voting paper on which;
 - (a) The names of two or more candidates, whether continuing or not, are marked with the same figure and are next in order of preference, or
 - (b) The name of the candidates next in order of preference whether continuing or not, is marked by a figure not following consecutively after some other figures on the voting paper or by two or more figures; or
 - (c) There is such effacement, obliteration, erasure, or mutilation as to make any preferences other than the first preference ambiguous.
- (l) "First Preference" means the figure '1' set opposite the name of a candidate; "Second Preference" means the figure '2' set opposite the name of a candidate; "Third Preference" means the figure '3' set opposite the name of a candidate and so on;
- (m) "Form" means the form prescribed under these rules;
- (n) "Original Vote" in relation to any candidate, means a vote derived from a voting paper on which a first preference is recorded for such candidate;
- (o) "Polling Officer" means the person appointed as such by the Returning Officer and includes the person appointed by the Returning Officer to assist the Polling Officer;
- (p) "Returning Officer" means the person appointed to conduct the election;
- (q) "Surplus" means the number of which the value of the votes, original and transferred, of any candidate exceeds the quota;

- (r) "Transferred vote" in relation to any candidate means a votes the value or part of the value of which is credited to such candidate and which is derived from a voting paper on which a second or a subsequent -preference is recorded for such candidate;
- (s) "Unexhausted Paper" means a voting paper on which further preference is recorded for a continuing candidate;
- (t) "Voter" means a person whose name is included in the Electoral Roll.

Provided that for the purposes of the first election of the Bar Council of Meghalaya, all Advocates in terms of Section 53 of the Advocates Act 1961 who on the date of election, are entitled as of right to practice in the High Court of Meghalaya and all subordinate Courts within the State of Meghalaya and are ordinarily practicing within the territorial jurisdiction of the High Court of Meghalaya shall be deemed to be "voters".

4. *Time and Place of Election:* Election of members to the Bar Council shall be held at such place or places, on such date or dates and during such hour or hours as the Council may appoint. Different dates and different hours may be appointed for polling at different places.

5. *Methods of Election:-*

- (i) Election to the Bar Council shall be by the single vote by and amongst the voters in the electoral roll in accordance with these rules,
- (ii) The voting shall be by secret ballot.

6. *Notice of Election:*

- (a) Notice of the time and place of election shall be given by publication over the signature of the Secretary, in not less than 30 clear days before the date of election. The notification shall specify *inter alia:-*
 - (i) the date for nominations;
 - (ii) the date for scrutiny;
 - (iii) the date for withdrawal of the candidature;
 - (iv) the date or dates of polling;
 - (v) the date and place and time for counting of votes; and
 - (vi) the minimum number of seats that should be filled from amongst advocates who on the relevant date will have been on the State roll for at least 10 years.

Provided that the last date for the filling of the nomination shall not be less than 20 clear days before the date of the election and that there shall be at least 5 clear days after the last date of the scrutiny for withdrawal of the candidature. Copies of the notices shall be affixed on the Notice Board of the Bar Council, and sent to the Advocate General and to all the Bar Associations.

- (b) Copies of the above notice shall be put up on the Notice Board of the Bar Council and sent to Bar Associations

7. *Candidate:* No person shall be entitled to seek election unless his name is in the electoral roll of the election concerned.
8. No advocate shall be entered on the Electoral Roll if information is obtained by the Bar Council that;
- (a). he has at any time been removed or suspended from practice; provided that this disqualification shall operate only for period of five years from the date of removal or the expiry of the period of suspension;

- (b). he has been suspended from practice, provided that this disqualification shall operate only for a period of five years from the date of the expiry of the period of suspension;
- (c). he is an un-discharged insolvent;
- (d). he has been found guilty of an election offence in regard to an election to the State Council by an Election Tribunal, provided however, that such disqualification shall not operate beyond the election next following after such finding has been made;
- (e). he is convicted by a competent court for an offence involving moral turpitude.
- (f). he is in full-time service or is in such part-time business or other vocation not permitted in the case of practicing advocates by the rules either of the State Council concerned or of the Bar Council of India.
- (g). he has intimated voluntary suspension of practice and has not given intimation of resumption of practice.

8. *Candidates how to be Proposed:*

- (i) Every candidate for election as a member of the Bar Council shall be proposed by one voter, and seconded by another voter. The nomination paper shall be delivered to the Secretary either personally or through an agent or sent by registered post so as to reach the Secretary on or before the date specified in the notification under Rule 6.
- (ii) Every nomination paper shall be accompanied by a fee of ₹ 1,000/-

9. *Doubts to validity of proposals:* The Secretary shall scrutinize the nomination papers received at the place and time notified under rule 6, and if in his opinion any nomination paper is invalid he shall decide on the validity of the same by a speaking order and his decision shall be final. The candidates or their agents shall be entitled to be present at the time of the scrutiny before the Secretary and make their submission. No nomination paper shall be rejected except for a defect of a substantial character.

10. *Withdrawal from Election:* Any person whose name has been proposed as a candidate may withdraw his candidature by a communication in writing so as to reach the Secretary not later than the date specified for the purpose in the notification under rule 6.

11. *Declaration when number of Candidates is equal to the number of seats:* If the number of duly nominated candidates who have been on the State rolls for more than 10 years is less than or equal to the number required by the proviso to Section 3(2) (b) of the Act, they shall be declared elected.

The number thus elected shall be deemed to be the number required by the said proviso. If the number of such candidates is in excess of the required number but the number to be elected, all the candidates shall be declared elected. In every other case there shall be a poll as prescribed by these rules.

12. *Publication of list of candidates:*

- (a) Not less than 15 clear days before the date fixed for elections, the Secretary shall publish the names of all the candidates validly nominated except the names of those who have withdrawn under rule 10 as nearly as possible in Form 'B' on the Notice Board of the Bar Council.
- (b) Copies thereof shall also be sent to the Bar Associations.

13. *Preparation of List of Voters:* The Electoral Rolls containing the list of voters shall be prepared in accordance with the rules of the Bar Council of India.

14. *Form of Voting Paper:* The Voting Paper shall contain the names of all the candidates, the address of the candidate and the date of his enrolment as an Advocate as in the roll, and a serial number shall be given against the name of each candidate. An asterisk mark shall be put against the name of candidates who on the relevant date have been on the State Roll for at least 10 years for the purposes of proviso Section 3 (2) (b) of the Act. The voting paper shall also bear on it the seal of the Bar Council. It shall state the total number of the candidates to be elected. The voting paper shall, as merely as possible, be in Form 'C'.

15. *Voting in Person:* Voters will be required to vote in person under these rules and shall cast their votes at the respective polling booths on the dates notified in this behalf.
16. *Polling Booths for Voter: Voting in Person:* There may be one or more polling booths at each place. Different dates may be fixed for polling at the different booths. Polling shall ordinary be from 10 A.M. to 5 P.M. The Returning Officer shall appoint a sufficient number of polling officers for the booths, and may himself act as such at one or more of the booths. The Bar Council may give such general directions as it may consider necessary with regard to places where polling booths ought to be established and the persons to be appointed as Polling Officer.
17. *Second Voting Paper not to be issued:* When a voting paper has once been handed over to a voter, a second voting paper shall not be issued to him unless he satisfies the Secretary that the voting paper has been spoilt or mutilated or-lost or destroyed in which case a duplicate voting paper may be issued to him.
18. *Despatch of Voting Papers to Polling Officers for Voting in Person:* The Secretary shall send to the Polling Officer of the booths requisite number of voting papers and some additional voting papers with a covering letter stating the number of the papers sent and enclosing an extract from the electoral roll relating to the polling booths, and other papers, if any with necessary instructions.
19. *Supply of Voting Papers to Voters Voting in Person:* The Polling Officer shall, on the date and at the time or hour fixed in this behalf, supply a voting paper to each voter in his polling booths who applies in person therefore, and take his signature in the list of voters against the voter's names to signify the issuance of voting paper.
20. *Procedure for Person Voting:*
 - (1) A voter who has received a voting paper under Rule 19 shall retire to a place screened from outside view and mark his preference in the manner prescribed. The voter shall then put it in a sealed box kept for the purpose.
 - (2) As soon as practicable after the closing of the poll the Polling Officer shall close the slit of the ballot box and where the box does not contain any mechanical device for closing the slit he shall seal up the slit and also allow any candidate or his agent present to affix his seal. The ballot box shall thereafter be sealed and secured.
 - (3) When it is necessary to use a second ballot box the first box shall be closed, sealed and secured as provided in sub-rule 2 before the second ballot box is put in to use, the Polling Officer shall, at the close of the poll prepare an account of ballot papers on Form 'D' and enclose it in a separate cover with the words "Voting Paper Account" superscribed thereon.
 - (4) *Sealing of other packets:* The Polling Officer shall then make into separate packets:
 - (a) the marked copy of the electoral roll;
 - (b) the unused ballot papers;
 - (c) the cancelled ballot papers;
 - (d) any other paper directed by the Secretary to be kept on a sealed packet. Each packet shall be sealed with the seal of the Polling Officer and of the candidate or his agents present who may desire to affix their seal thereof.
 - (5) *Transmission of Ballot Boxes:* The Polling Officer shall then deliver to the Secretary at such place as he may direct or send by post or otherwise in any way as directed:
 - (a) the ballot boxes containing the ballot papers;
 - (b) account of the ballot papers;
 - (c) the sealed packets referred to in sub-rule (4) above and
 - (d) all other papers used at the poll.

21. *Method of Voting:*

- (1) A voter in giving his vote;
 - (a) shall place in his voting paper the figure '1' in the space opposite the name of the candidate whom he chooses for his first preference; and
 - (b) may in addition place on his voting paper the figure '2' or the figures '2' and '3' or the figures '2' '3' and '4' and so on, in the space opposite the names of the other candidates in the order of his preference.
- (2) A voting paper shall not be signed by a voter, and in the event of any erasures, obliterations, interpolations or alterations in the voting paper or of the voting paper purporting to have been signed by the voter, the voting paper shall be deemed to have been defaced and no votes purporting to have been given thereby shall be taken into account for the purposes for the election.

22. *Voting Papers when invalid:* a voting paper shall be invalid on which;

- (a) the figure '1' is not marked; or
- (b) the figure '1' is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply; or
- (c) the figure '1' and some other figures are set opposite the name of the same candidate; or
- (d) there is any mark in writing by which the voter can be identified;
- (e) the preference are indicated in word as 'ONE' 'TWO' etc.
- (f) the marking in the voting paper is not in the international form of Indian numerals.

23. *Presence of Candidate or his Agent During Counting:* At the time of counting, the candidate or his agent shall be entitled to be present.

24. *Method of Counting:* For the purposes of being declared successful in the Election the method of counting shall be as follows:

1. The Candidate securing the maximum number of first preference votes shall be declared first elected.
2. Thereafter the Candidate having the second highest number of first preference votes and highest number of second preference votes shall be declared second elected.
3. Thereafter the Candidate having the third highest number of first preference votes, second highest number of second preference votes and highest number of third preference votes shall be declared third elected;
4. Thereafter the Candidate having the fourth highest number of first preference votes, third highest number of second preference votes, second highest number of third preference votes and highest number of Fourth preference votes shall be declared Fourth elected.
5. And so on till such time all vacancies are declared filled.

25. *Determination of results and Publication thereof:* (1) Upon the completion of the count, a list of the candidates elected to the Bar Council shall be prepared and signed by the Returning Officer and submitted by him to the Advocate General (Only for the First Election) and the Chairman of the Bar Council who shall verify the same by his signature.

- (2) After such certificate, a copy of the list shall be published in the official gazette and shall also be sent to the Advocate General and to the Bar Associations to be affixed as they direct, and may also be sent to other similar associations. A copy of the same shall also be put up on the Notice Board of the Bar Council.

- (3) On the publication of the list in the official gazette the persons whose name appears in the list shall be deemed to have been declared as elected. The members of the Bar Council shall be deemed to have been elected on the date of publications of their names in the official gazette.

26. *Filing of last Vacancies.*

- (i) In case of the verdict of the Tribunal being that a candidate was not validly elected, the vacancy thus caused shall be filled in by the candidate who secured the next maximum First Preference Votes amongst the unsuccessful candidates.
- (ii) Any vacancy caused in the Council because of the resignation, death or retirement, in any manner, of a member before his term of office has come to an end, shall be treated as casual vacancy and shall be filled in by co-option.
- (iii) A member co-opted to fill a vacancy shall serve for the remainder of his predecessor's term of office.
- (iv) Any member of the Bar Council who fails to attend three consecutive meetings or any of its Committees, without previous leave of absence obtained in writing from the Chairman, shall be deemed to have vacated and to have caused a casual vacancy.

27. *Disputes as to the validity of elections:* (1) Any voter may contest the validity of the election of a candidate declared to have been elected to the Bar Council by a petition signed by him and supported by an affidavit and delivered to the Secretary personally within 15 days from the date of publications of the result of the election.

- (2) The petition shall be accompanied by a fee of ₹ 500/- which shall be paid in cash or sent by Money Order. In case it is sent by M.O. the M.O. receipt shall also be attached to the petition. The fee shall not be refundable.
- (3) Such petition shall include as respondents all contesting candidates, and the petition shall be accompanied by as many copies as there are respondents.
- (4) All disputes arising under the above sub-rules shall be decided by a tribunal to be known as an Election Tribunal comprising 3 (three) Senior Advocates whose names are on the State Roll.
- (5) The Election Tribunal shall be appointed by the Bar Council on or before the date on which the time of the election is fixed under rule 4.
- (6) The Election Tribunal shall have all or any of the following powers:
 - (i) To dismiss a petition;
 - (ii) To order recount;
 - (iii) To declare any candidate to have been duly elected on a recount;
 - (iv) To set aside the election of the candidate who either by himself or through any other person acting with his consent is guilty of corrupt practice.

The following shall be deemed to be corrupt practices for the purpose of this Act:

- (1) 'Bribery' that is to say-
 - (A) any gift, offer or promise of any gratification to any person whosoever with the object directly or indirectly of inducing -
 - (a) a person to stand or not to stand as or to withdraw or not to withdraw from being a candidate at an election, or
 - (b) an elector to vote or refrain from voting at an election, or as it a reward to,
 - (i) a person for having so stood or not stood or for having withdrawn his candidature; or
 - (ii) an elector for having voted or refrained from voting;

- (B) the receipt of, or agreement to receive, any gratification whether as a motive or a reward.
- (a) by a person for standing or not standing as, or for withdrawing or not withdrawing from being a candidate; or
- (b) by any person whomsoever for himself or any other person for voting or refraining from voting or inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.

For the purposes of this clause the terms 'Gratification' is not restricted to pecuniary gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward.

- (2) Undue influence, that is to say any direct or indirect influence or attempt to interfere with the free exercise of any electoral right including the issuing or sending of any appeal or manifesto for votes whether direct or indirectly.

Provided that a mere intimation of a candidature with a bare request for a vote shall not amount to undue influence.

And provided further that a candidate or his agent may also orally ask for votes from voters; but on the date of election such requests shall not be made within a radius of 200 yards from a Polling Station. And a candidate may issue a written intimation to his voters announcing his candidature and seeking their votes or their first preference votes, which intimation shall not contain any other publicity or his eulogy. Such written intimation shall also not amount to undue influence.

Attempt to secure from any voter his ballot paper with intent to prevent him transmitting it directly or with intent to ensure that the vote has been cast or is to be cast for a particular candidate shall be deemed to interfere with the free exercise of the electoral right of the said voter.

- (3) The hiring or procuring whether on payment or otherwise of any vehicle or vessel or the use of such vehicle or vessel for the free conveyance of any elector to or from any Polling Station.

Explanation: The vacancy arising under Sub-Rule (6) (iv) shall be filled up as casual vacancy.

- (v) In other cases to declare a vacancy to be filled up as a casual vacancy.

- (vi) To make an order as to costs.

- (7) The trial of an election petition shall as far as possible be governed by the Civil Procedure Code.
- (8) No petition shall lie on the ground that any nomination paper was wrongly rejected or the name of any voter was wrongly included in or omitted from the electoral roll or any error or irregularity which is not of a substantial character.
- (9) The voting papers and other records relating to the election shall not be destroyed until expiry of the time fixed for filling of any petition under Clause 1 of this rule.
- (10) In case where a petition or petitions have been filled under sub-rule (1) no such voting papers or records shall be destroyed till all the election petitions are finally disposed off.

35. *Conduct of elections:* Except as otherwise provided in these rules the Secretary shall be in charge of the conduct of the election.

Explanation: For the purposes of these rules, the "Secretary" shall mean a person appointed as Secretary under Section 7 of the Act, or any other person appointed by the Bar Council to perform the duties of the Secretary under these rules.

THE BAR COUNCIL OF MEGHALAYA

FORM 'A'

(Under Rule 8)

Nomination Paper, for election to the Bar Council of Meghalaya

To,

The Secretary, Bar Council of Meghalaya

Sir,

We nominate _____, an advocate on the roll of the Bar Council of Meghalaya enrolled on _____ practicing at _____ as candidate for election to the Bar Council of Meghalaya to be held _____.

(1) Name _____

Address _____

Number in the Electoral Roll _____

Date _____

Signature

and

(2) Name _____

Address _____

Number in the Electoral Roll _____

Date _____

Signature

I am willing to serve on the Bar Council if elected.

Name and Address

of the Candidate:

Signature of the Candidate

Number in the Electoral

Roll _____

Enrolled on _____

THE BAR COUNCIL OF MEGHALAYA
FORM 'B'
SUBJECT TO NECESSARY MODIFICATIONS
(Under Rule 12 (a))

List of Candidates: The following is the list of candidates for the election to the Bar Council to held on _____

I. Candidates whose names have been on the State Roll for at least 10 years as required under the proviso to Section 3 (2) (b) of the Act.

Name	Date of enrollment	Ordinary place of practice
1	2	3

II. Candidates who have been on the State Roll less than 10 years.

Name	Date of enrollment	Ordinary place of practice
		1
		2
		3

Dated:

SECRETARY
BAR COUNCIL OF MEGHALAYA

THE BAR COUNCIL OF MEGHALAYA

FORM C

(Under Rule 14)

Instructions for the Guidance of Voters

1. The number of members to be elected is _____
2. The voting is by the single transferrable preference vote.
3. The mark should be so placed as to indicate clearly and beyond doubt to which the candidate he is giving his vote. If the mark is so placed as to make it doubtful to which candidate the vote has been given, that vote will be invalid.
4. *Methods of voting:*
 - (1) A voter is giving his vote -
 - (a) shall place on his voting paper the figure '1' in the space opposite the name of the candidate whom he chooses for his first preference; and
 - (b) may in addition place on his voting paper the figure '2' or the figures '2' and '3' or the figures '2', '3', '4' and so on, in the space opposite the names of the other candidates on the order of his preference.
 - (2) A voter shall not sign the voting paper nor place any mark thereon by which he can be identified.
5. *Voting papers whom invalid:* A voting paper shall be invalid on which -
 - (a) the figure '1' is not marked; or
 - (b) the figure '1' is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply; or
 - (c) the figure '1' and some other figures are set opposite the name of the same candidate; or
 - (d) there is any mark in writing by which the voter can be identified; or
 - (e) the preference are indicated in words as "One" "Two" etc; or
 - (f) the marking in the voting paper is not in the international form of Indian numerals; or
 - (g) if there is such effacement, obliteration, erasure or mutilation as to make the first preference ambiguous; or
6. *Voter voting in person:* A voter voting in person shall put the voting paper after voting, into the ballot box.

VOTING PAPER
THE BAR COUNCIL OF MEGHALAYA
(ELECTION DATES _____)

_____ elected members have to elected.

Sl. No.	Name as In Roll	Date of enrollment	Place and Address	Mark of Voter
1.	Samson *	1. 5. 1905		
2.	Ranga	4. 5. 1975		

*As asterisk mark indicates that the names of the candidate has been on the State Roll for at least ten years.

Date:

Facsimile of Secretary

FORM 'D'

(Under Rule 22)

Election to the Bar Council of Meghalaya

1. Name of polling booth
2. Total number of ballot papers supplied
3. Total number of ballot papers used
4. Total number of duplicate ballot papers supplied
5. Total number of duplicate ballot papers used
6. Date
7. Signature of Polling Officer

Date:

Place:

Signature of Polling Officer

CHAPTER III

ELECTION OF THE CHAIRMAN AND VICE-CHAIRMAN

36. Immediately after the election is notified in the official Gazette the Election Committee shall convene a meeting of the Council for the purpose of electing a Chairman and Vice-Chairman from amongst its members. Nominations for a candidate for election to the office of Chairman or Vice-Chairman shall be made in writing by two members and consented to by the candidate and sent to the Secretary as to reach him not less than seven days before the date of such election.
37. "The Chairman, Vice-Chairman and a member of any of the Committee of the Bar Council can be removed from office or membership of the Committee, in pursuance of a resolution of no-confidence passed against him by two-third of the members taking part in the voting subject to the condition that at least 8 members must support the no-confidence motion.
- Provided that a resolution of no-confidence shall be moved and passed by the Bar Council only in an extra ordinary meeting requisitioned for the purpose by not less than 10 members.
38. In case a candidate nominated for election to the office of Chairman or Vice-Chairman wishes to withdraw his candidature, a letter duly signed on that behalf must reach the office of the Council not less than four days from the date of such election.
39. The Election Committee shall publish a list of candidates three days prior to the date of such election continuing the names of candidates who have been validly nominated.
40. If there be only one candidate each for the office of Chairman and Vice-Chairman, such a candidate shall be declared to have been duly elected.
41. The election shall be by secret ballot. The ballot papers in the prescribed form for the election shall be handed over to each member at the time of election who will then vote by putting a mark against the name of the candidate of his choice in the ballot paper. The candidate polling the largest number shall be declared to have been elected. In case of tie, it shall be decided by toss and the successful candidate shall be declared to have been duly elected.
42. *Term of the office of Chairman and Vice-Chairman:* The Chairman and Vice-Chairman shall hold office for two years from the date of election. Provided however the outgoing Chairman or the Vice-Chairman as the case may be, shall continue to function until the election of his successor takes place.
43. The validity of election of the Chairman and Vice-Chairman may be questioned by a member by a letter addressed to the Tribunal setting out grounds therefore so as to reach it not later than five days of such election. In case the election of the Chairman or the Vice-Chairman is declared invalid, the Election Committee shall hold fresh election in the manner prescribed hereinbefore.

CHAPTER IV

POWERS AND DUTIES OF CHAIRMAN AND VICE-CHAIRMAN

44. The Chairman shall preside over the meetings of the Council.
45. The Chairman shall have the power to sanction expenditure in case of emergency up to Rs. 10,000/=.
46. The Chairman and Vice-Chairman shall have the right to attend meetings of any of the committees of the Council and when so attending such a meeting, they shall be considered as *ex-officio* members of that committee. The Chairman shall have the power to convene a meeting of any of the committees of the Council and place for the consideration of such a committee as agenda that he may deem expedient to be considered.
47. Whenever immediate action is necessary to safeguard the rights, privileges and interests of the advocates, the Chairman shall take immediate action on the matter.

48. The Vice-Chairman shall perform all the duties of the Chairman in his absence and shall have the same powers as those of the Chairman when acting in that behalf.

CHAPTER V COMMITTEES

49. The Council shall at the first meeting or soon thereafter form, from amongst its members the following Standing Committees to transact its business.
- (i) Executive Committee;
 - (ii) Disciplinary Committee;
 - (iii) Enrolment Committee;
 - (iv) Election Committee;
 - (v) Education and Examination Committee;
 - (vi) Rules Committee;
 - (vii) Tribunal for deciding Election Disputes; and
 - (viii) Any other *ad hoc* committee that may be constituted from time to time for any particular purpose not assigned to any other committee hereinbefore.
50. The Committees referred to in Rule 49 shall be constituted as soon as possible but not later than one month from the date of first meeting of the Bar Council.
51. The Committees as mentioned in Rule 49 shall be constituted by the Chairman in consultation with the Vice-Chairman and other elected Members of the Council in a meeting specifically called for such purpose.
52. The term of the Committees constituted shall be for a period of two years from the date of formation.
53. A committee, other than an *ad hoc* committee, shall continue to be in existence until a new committee has been constituted in its place.
54. Each committee shall elect a Chairman from amongst its members who will preside over its meetings and direct the transaction of its business, except when the Chairman or the Vice-Chairman of the Bar Council is a member or attends the meeting as an ex-officio member, the Chairman or the Vice-Chairman, as the case may be, shall preside over the meeting or meetings of the committee.
55. Upon a member ceasing to be a member of Committee by death, resignation, retirement or for any reason, the vacancy thus caused shall be filled in by the Council in the manner provided hereinbefore. The term of office of a member elected to fill a casual vacancy thus caused shall not extend to a period beyond the term of office of his predecessor.

CHAPTER VI

56. The Council shall meet at least once every two months.
57. At least seven days notice in writing, along with the agenda proposed to be considered at a meeting of the Council, shall be given to the members for holding and ordinary meeting.
58. The agenda for an ordinary meeting of the Council shall be settled by the Secretary in consultation with the Chairman.

59. An extraordinary meeting of the Council shall be convened if a requisition in writing by not less than seven members of the Council is lodged with Secretary. The Secretary shall circulate the requisition among the members along with the agenda proposed in the requisition and shall call the meeting on the three days notice.
60. Seven members shall constitute the quorum for the meeting of the Council.
61. The Council shall decide all matters by show of hands. Each member shall have one vote and in the event the votes cast are equal, the Chairman shall have a casting vote.

CHAPTER VII EXECUTIVE COMMITTEE

62. The Council shall constitute an Executive Committee comprising of five persons elected from amongst its members.
63. The Executive Committee shall exercise authority on behalf of the Council, under its supervision and control, in regard to all executive matters and such other matters as may be assigned to it by the Council.
64. Three members of the Executive Committee shall constitute the quorum of its meetings.
65. The Executive Committee shall ordinary meet at least once every month so as to transact its business.
66. In case two members of the Executive Committee so require in writing, the Secretary shall convene an extraordinary meetings on two days notice.
67. The Executive Committee shall prepare a budget estimate for the income and expenditure of the Council for the next financial year and submit to it the Council for sanction before the expiry of the current financial year.
68. The financial year shall commence from the 1st of April and end on the 31st of March of every financial year.
69. The Executive Committee shall make recommendations from time to time to the Council for the investment and management of its funds.
70. In case of a demand or demands for which no provision has been made in the budget sanctioned by the Council, the Executive Committee shall submit to the Council a supplementary budget.
71. The Executive Committee shall have the power to spend a sum not exceeding ₹ 10,000/- for any unforeseen contingency for which no provision has been made in the budget. An expenditure thus incurred shall be reported for approval in the next meeting of the Council.

DISCIPLINARY COMMITTEE

(Rules 67 to 69 as framed by the Bar Council of India)

72. The following procedure shall be followed in enquiries before the Disciplinary Committee:-
 - (1) In any case falling under Section 36(1), when the Council has reason to refer a case of misconduct to the Committee, it shall cause the complaint, if any, and all affidavits, documents or records in its possession to be sent to the Committee.
 - (2) If the Disciplinary Committee does not summarily reject the complaint, and in all cases referred to it by the Council *suo moto*, a date shall be fixed for the hearing of the case as provided for in these rules.

- (3) At the hearing, the complainant or the person if any, who is aggrieved by the misconduct of the advocate shall be entitled to appear in person or by Council in support of the complaint. Where the complainant or the aggrieved party does not appear in person or by counsel, the Council may proceed with the matter and in a fit case may appoint an amicus currie for assisting the Council on payment of fees if necessary.
- (4) Notices issued under these Rules shall be served by Registered Post (Acknowledgement Due) or in such other manner as the Committee may direct.
- (5) The President of the Committee shall fix a date, hour and place of the enquiry which shall not ordinary be later than thirty days from the receipt of the reference. The Secretary shall give notice of such date, hour and place to the complainant or other person aggrieved, the advocate concerned, and the Advocate General and shall also serve on them copies of the complaint and such other documents as the President of the Committee may direct at least 15 days before the date fixed for enquiry.
- (6) The advocate concerned shall submit his statement of defense together with any documents or affidavits in support of his defense within a time which shall be intimated to him in or at the same time as the notice referred to above. The complainant or the person aggrieved shall be entitled to file a reply together with such documents on which he proposes to rely in support thereof within such time as may be allowed by the President of the Committee.
- (7) In any such enquiry, the advocate may appear either in person or by Counsel.
- (8) The Committee shall hear the Advocate General, Counsels for the respective parties or parties in person, and determine the matter on document and affidavits unless the Committee is of the opinion that it would be in the interest of justice to permit cross-examination of the defendants or to take oral evidence, in which case, the procedure followed in the trial of a civil suit shall, as far as may be possible be followed.
- (9) The advocate concerned shall be a competent witness on his own behalf.
- (10) The finding of the majority of the members of the Committee shall be the finding of the Committee. The reasons given in support of the finding may be given in the form of a judgment and in the case of a difference of opinion, any dissenting member shall be entitled to record his dissent giving his own reasons. It shall be competent for the Committee to award such costs as it thinks fit. The Committee may make any of the orders which it is entitled to make under Section 36(4) of the Act. The order shall be communicated to the complainant or the aggrieved party and the advocate concerned as soon as may be by the Secretary.
- (11) The parties shall be entitled to obtain copies of documents, affidavits and oral evidence, if any, on payment of such fees as may be prescribed by the Council.
- (12) Any person aggrieved by the order of the Committee under Section 36 or 37 of the Act, may within sixty days of the date on which the order, is communicated to him prefer an appeal to the High Court.
- (13) Any order awarding costs shall be executed in the manner provided in the Act.

***Procedure to be followed by the Disciplinary Committees of the State Bar Councils
under 49(f) of the Act.***

73. The procedure herein before prescribed in these Rules excepting Rule 12 shall be followed 'Mutatis Mutandis' by the Disciplinary Committees of the State Bar Councils save and except that -
- (a) a reference to the Advocate General in the said Rules shall mean:

- (i) in the case of a Disciplinary Committee of the Bar Council of Meghalaya, a reference to the Assistant Solicitor General of India in Meghalaya:
 - (ii) in the case of a Disciplinary Committee of any other State Council, a reference to the Advocate-General:
 - and
 - (b) any reference to Section 36 (1) shall mean a reference to Section 35(1) for the purpose of these Rules.
74. (a) Any person aggrieved by an order of the Disciplinary Committee of a State Council may, within 60 days from the date on which the order is communicated to him, prefer an appeal to the Council by a memorandum in writing which shall be accompanied by a certified copy of the order appealed against and the Council shall pass such order thereon as it may deem fit.
- (b) The provision of Sections 5 and 12 of the Indian Limitation Act shall apply to any such appeal.
 - (c) In any such appeal, the parties shall be entitled to be represented by the Counsel at the time of hearing.
 - (d) The President of the Committee of the Council shall fix the hour, date and place of the enquiry which shall ordinarily be not earlier than 10 days from the filling of the memorandum of appeal. The Secretary shall give notice of such hour, date and place to parties, to the State Council and to the Advocate-General of the State concerned or to the Additional Solicitor General of India as the case may be.
 - (e) At the hearing of any such appeal, the parties may appear in person or by Counsel.
 - (f) Any such order for costs made in the appeal shall be executed in the manner provided in the Act.
 - (g) On an appeal being preferred as aforesaid, the State Council concerned shall on receipt of the notice of the filling of the same forward to the Council the entire record of the proceedings on the matter.
75. The Disciplinary Committee shall meet as often as may be necessary to transact its business.

THE ENROLMENT COMMITTEE

76. The Council shall constitute an Enrolment Committee comprising of three persons to be elected from its members.
77. Every application for admission as an advocate addressed to the Council shall be referred to the Enrolment Committee for being disposed off in accordance with the provisions of the Act and the Rules.
78. The Enrolment Committee shall meet as often as may be necessary to transact its business.
79. Every application for enrolment as an advocate shall be circulated among the members of the Enrolment Committee at least five days before it is scheduled to meet.
80. Two members of the Enrolment Committee shall constitute the quorum for its meeting.
81. If two members of the Enrolment Committee agree to a decision, the same shall be deemed to have been carried through.
82. Every application for enrolment as an advocate shall be addressed to the Council on the form prescribed therefore and will be dealt with as provided in the rules occurring hereafter for enrolment under Chapter VIII of these Rules.

ELECTION COMMITTEE

83. The Council shall constitute an Election Committee comprising of five persons from among the members of the Council.
84. The Election Committee shall conduct and supervise the elections to the Bar Council.
85. The Election Committee shall meet as and when necessary.
86. The result of any election or elections shall be submitted by the Election Committee to the Chairman who shall certify the same. There upon results shall be published in the Official Gazette. On publication the person or persons whose name appear in the Gazette shall be deemed to have been declared elected.
87. Three members of the Election Committee shall constitute the quorum for its meeting.

RULES COMMITTEE

88. The Council shall constitute a Rules Committee comprising of five persons to be elected from amongst its members. The Rules Committee so constituted shall have the power to co-opt two persons to serve on it.
89. Three members of the Rules Committee shall constitute the quorum for its meeting.

TRIBUNAL

90. The Council shall constitute a Tribunal of three members elected from amongst Senior Advocates on its rolls who are not its members to decide disputes arising from or in regard to any election or elections.
91. The Tribunal after hearing the evidence of the parties concerned and holding such other enquiry as it deem fit, shall decide the dispute and its decision shall be final.

ENROLMENT

Rules under S. 28(2) (c) read with S. 26 of the Act.

92. Every person who desires to apply for admission as an advocate, shall make an application in writing to the Secretary of the Council in Form as in the appendix to these rules, accompanied by the receipt of having deposited ₹ 1000/- in cash with the Secretary of the Council or by way of demand draft in favour of the Bar Council of Meghalaya.
93. A person who is otherwise qualified to be admitted as an Advocate but is either full or part-time service or employment or is engaged in any trade, business or profession shall not be admitted as an Advocate. Provided however that this rule shall not apply to:
 - (i) Any person who is an Articled Clerk of an Attorney;
 - (ii) Any person who is an assistant to an Advocate or to an Attorney who is an Advocate;
 - (iii) Any person who is part-time service as a Professor, Lecturer or Teacher-in-Law;
 - (iv) Any person who by virtue of being member of a Hindu joint family has an interest in a joint Hindu family business, provided he does not take part in the management thereof; and
 - (v) Any other person or class of persons as the Bar Council may from time to time exempt,
 - (vi) Any person who has held office as Judge of any High Court in India may on retirement be admitted as advocate on the roll of any State Bar Council where he is eligible to practice,

- (vii) Any person who is a Law Officer of the Central Government or the Government of the State or of any public Corporation or body constituted by the statute. For the purpose of this Clause a "Law Officer" shall mean a person who is so designated by the terms of his appointment and who by the said terms is required to act and or plead in Court on behalf of his employer;
94. Every person applying to be admitted as an Advocate shall in his application make a declaration that he is not in full or part-time service or employment and that he is not engaged in any trade, business or profession. But in case he is in such full or part-time service or employment or is engaged in any trade, business or profession he shall in the declaration disclose full particulars of his service, employment or engagement. He shall also undertake that if, after his admission as an advocate, he accepts full or part-time service or employment or is engaged in any trade, business or profession which would have disqualified him from admission, he shall forthwith inform the Bar Council of such service or employment or engagement and shall cease to practice as an advocate.
95. No advocate shall accept any employment which, in the opinion of the Bar Council, is derogatory to the status of an Advocate. And if he does so, he shall be liable to be proceeded against for professional misconduct.
96. A breach of the above-mentioned rules or any undertaking given in pursuance thereof shall amount to professional misconduct.
97. The application for enrolment shall be accompanied by all the documents required to be produced as given in Form enclosed.
98. The application shall give two undertakings in the following terms:-
- (a) I do hereby undertake that if after my admission as an Advocate, I accept full or part-time service or I am engaged in any trade, business or profession (other than such as is exempted by the State Bar Council from the operation of this undertaking) I shall forthwith inform the Council of such employment or engagement and shall cease to practice as an advocate.
- (b) I do hereby undertake that I shall not accept any employment which, in the opinion of the Bar Council, is derogatory to the status of an advocate.
99. The Enrolment Committee of the Bar Council may require any candidate to appear before it in support of any statement made by him in his application or to furnish such other particulars as may be required.
100. The Enrolment Committee of the Bar Council shall consider such objections as may be urged against the enrolment of any person as an advocate, and may, if necessary, call upon:
- (a) the person objecting to the enrolment; or
- (b) the applicant for enrolment, to appear before it or to produce such information on such matters as it may consider necessary.
101. If after the scrutiny of the papers and consideration of objections, if any, to the enrolment, the Enrolment Committee is of the opinion that the person who applies for enrolment is a fit and proper person to be enrolled, it shall make an order accepting the application.
102. If the papers filled are not in the order or if the person who has filled an application is not in its opinion a fit and proper person to be enrolled and the Enrolment Committee proposes to refuse the application, it shall refer it for opinion to the Bar Council of India and every such reference shall be accompanied by a statement of the grounds in support of the proposed refusal of the application.

The Enrolment Committee shall dispose of an application referred to the Bar Council of India as stated above in conformity with the opinion of the Bar Council of India.

103. *Withdrawal of application for enrolment:* In the case of a person who after submitting his application for enrolment under section 24, applies for withdrawal of his application at a subsequent stage or whose enrolment is refused by the Enrolment Committee of this Council and the refusal is confirmed by the Bar Council of India under Section 26 of the Advocate Act, 1961 the enrolment fee shall be refunded to such applicant after deducting a sum of ₹ 100/- towards administrative expenses of the office.
104. In the event of the Enrolment Committee feeling any doubt or any difficulty as to the eligibility of the person seeking admission or as to the interpretation of any of the provisions of the Act, Rules, Resolutions, Direction or Principles it shall refer the application to the State Bar Council for clarification of such doubt, difficulty or such question and shall dispose of the application on the light of the Ruling or directions given by the Bar Council in that behalf.
105. When the application for enrolment is accepted by the Enrolment Committee in the first instance or in conformity with the opinion of the Bar Council of India, the Certificate of enrolment shall be made out in Form in the appendix to these Rules, signed by the Chairman and the Secretary.
106. Every advocate shall notify to the Council from time to time any change of address and all suspensions or assumptions of practice. Every such intimation shall contain the roll number of Advocate, the date of his enrolment, his address and other necessary particulars.
107. "Any person desirous of getting his licence revived shall submit an application to the Council on the prescribed form together with a fee of ₹ 500/-.

CHAPTER VIII

ASSISTANCE TO INDIGENT OR DISABLED ADVOCATES

Rules framed under S. 6 (d) read with S.15 of the Act.

108.
 - (a) The fund shall be called "ASSISTANCE TO INDIGENT OR DISABLED ADVOCATES".
 - (b) The word "Council" shall mean the Bar Council of Meghalaya.
 - (c) The word "Committee" shall mean the* Committee for management of the fund as provided hereinafter.
 - (d) An "Applicant" means an Advocate applying in the Council for financial assistance under the Rules.
 - (e) An "Indigent Advocate" is one who is unable to maintain himself or herself and his or her family.
 - (f) A "Disabled Advocate" means any Advocate who by reason of any physical or mental infirmity is unable to practice temporarily or permanently.
 - (g) The "family" of an applicant shall mean the wife or wives of the husband as the case may be and any children or parents actually dependant on him/her for maintenance.
 - (h) The "Fund" means a fund constituted by the Council for giving financial assistance to indigent or disabled advocates under Section 6(2) of the Act and shall include all accretions by way of contributions, donation, interest or investments or sum raised or collected in such other manner as may be deemed proper by the Council.

109. The object of the fund is to provide financial assistance to Advocates who in the opinion of the Committee may be disabled and/or indigent and/or deserving financial assistance under any circumstances involving financial distress.
110. Management of Fund-
- (a) The fund shall be managed by the council through a Committee consisting of five members of the Council elected according to Rules and such other persons not exceeding two in number as may be co-opted by the Council in this respect and Secretary of the Council shall be the ex-officio Secretary to the Committee.
 - (b) The Committee shall have the right to frame rules and regulations for the administration of the Fund. Any such regulations shall be put before the Council and shall come into force upon approval by the Council.
 - (c) The Committee shall be at liberty to give financial assistance either from the corpus of the fund or from the interest earned by the Fund.
 - (d) An application for financial assistance shall be made in the form prescribed and herewith attached.
 - (e) On receipt of an application, the Committee shall enquire whether the applicant deserves financial assistance and determine the extent and made thereof.
 - (f) The Committee shall be competent to examine the applicant or any other person and to call for and examine any record in the possession of any Bar Council or any Bar Association or any other person. The proceedings of the Committee thereof shall be treated as confidential.
 - (g) If an applicant who is a practicing Advocate makes any statement or furnishes any material information which is discovered to be false to his/her knowledge it shall amount to professional misconduct.
 - (h) The Committee may, in appropriate case, call upon the applicant to refund the entire amount given as assistance or any part thereof, with such interest as it deems fit if the applicant had obtained the assistance by making any material misstatement or by supersession of any material fact or information or if after the grant of assistance there is a change in the circumstances of the applicant.
 - (i) The decision of the Committee shall be final and conclusive and it shall be the obligation of the applicant to comply with the said decision.
 - (j) The Committee may render assistance in such form and may impose such condition as it may deem proper.
 - (k) The Committee may in its discretion continue the assistance to the family of the Advocate, whose application was granted under the Rules, even after his death for a period not exceeding one year.
 - (l) The Committee may in its sole discretion withdraw or vary the assistance from time to time.
 - (m) On the demise of an advocate an application for financial assistance may also be made by or on behalf of his dependants in case they have been left with no funds or means.
111. *Accounts and Office:* The Bank accounts shall be operated by the Chairman and the Secretary of the Bar Council. He shall maintain day-to-day accounts of receipts and payments and the disposal of the assets of the Fund. The Accounts shall be audited by the Auditor of the Council or as the Council may direct specially in this behalf. Upon the expiry of the financial year, the Committee shall submit the annual report to the Council annexing thereto audited statements of accounts, receipts and payment account, the list of assets and such other particulars as the Council may direct from time to time.

112. *Remuneration:* None of the members of the Committee shall be entitled to any remuneration for acting as Committee members.
113. *Contribution:* Contribution to the fund shall be made as under:
- (i) The Council shall set apart at the end of each financial year a sum which may not exceed 10% of its annual net income from enrolment fee or such other amount as may be permissible.
 - (ii) Donations or grants by individuals, Govt. Corporation authorities, institutions or associations which may be received by the Committee.
 - (iii) Monies may be raised by cinema shows, plays or like entertainments.
114. *Investment:* The fund collected by the Committee shall be deposited in a separated Saving Bank Account or such amounts as may be decided by the Committee invested in security of the nature described under Section 20(a) (b) (c) & (d) of the Indian Trust Act, 1881 or such other securities as may be authorized by the Council by a Resolution in that behalf.
115. In the event of the termination of the scheme the assets and surplus of the monies with the Committee shall be transferred and credited to the account of the Bar Council of Meghalaya.

CHAPTER IX

ROLL OF ADVOCATES

Rules under S. 28(1) read with S.17 of the Act.

116. The Council shall prepare and maintain a Roll of Advocates in which shall be entered the name, address and the date of enrolment of each advocate and any action decided to be taken by the Disciplinary Committee against such an advocate from time to time.

For the purposes of making the first roll of Advocates, as a one time measure only, all Advocates having their principle place of practice and ordinarily practicing in any Court including the District Council Courts within the territorial jurisdiction of the High Court of Meghalaya on the date of promulgation of these rules and eligible to vote in the first election as per Section 53 of the Advocates Act 1961, notwithstanding the fact that their enrolment is before the erstwhile Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram, Arunachal Pradesh and Sikkim and having their ordinary place of practice within the territorial jurisdiction of the Gauhati High Court (Common High Court) immediately before the commencement of the North Eastern Areas (Re-Organisation) and other related laws (Amendment) Act, 2012 within the State of Meghalaya, shall be given an option of opting to have their name entered into the rolls maintained by the newly constituted Bar Council of Meghalaya and, upon their exercising their option favourably in favour of being in the rolls of the Bar Council of Meghalaya, such names shall be entered into the rolls of Advocates maintained by the Bar Council of Meghalaya and for all practical intents and purposes the said Advocate shall be deemed to be a Advocate enrolled in the rolls of the Bar Council of Meghalaya and from such date of publication of the roll of Advocates by the Bar Council of Meghalaya, the enrolment of the Advocate concerned with the erstwhile Bar Council of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram, Arunachal Pradesh and Sikkim shall cease to exist.

117. *Seniority of Advocates:* The seniority of Advocates referred to in Section (1) (a) shall,
- 1. (a) In the case of persons whose names were entered in rolls under Section 8(3) (a) of the Indian Bar Councils Act, 1926 be the date from which their seniority was reckoned in the said Rolls.
 - (b) In the case of persons admitted as advocates, under Section 58-A of the Act, be the dates of their first admission as Advocate, Vakil or Pleader if by reason of such admission they were

entitled to practice in the High Court of Allahabad or the Chief Court of Oudh or the other High Courts or the Judl. Commissioner's Courts mentioned in sub-section (2), (3) and (4) of the said Section 58-A.

(c) In the case of other persons be determined in accordance with the date of enrolment under the Indian Bar Council's Act, 1926.

Proviso to (a), and (c) Provided that in the case of a person whose name had been entered in the Rolls of more than one High Court, the date as shown in the High Court in which he was first enrolled shall be taken as the date for entry for purpose of seniority in the Rolls under Section 17(1) (a) of the Advocate Act 1961.

2. In cases not covered by any previous rules in the chapter, or in the case of doubt, the seniority shall, on a reference by a State Council be according to the date as may be determined by the Bar Council of India.
3. Seniority of Senior Advocates:

The seniority of a senior advocate shall be determined in accordance with the date of his enrolment as senior advocate.

SENIORITY IN COMMON ROLL

4. The seniority of a senior advocate referred to in Section (21) (3)(a) of the Act shall be determined in accordance with the date of this enrolment as senior Advocate.
 5. With reference to persons referred to in Section 20(3) (a) of the Act, in case of an Advocate whose name was entered in the rolls of more than one High Court, the date of enrolment in the High Court in which he was enrolled shall be taken as the date determining the seniority notwithstanding the fact that his name was removed from that roll by reason of his enrolment in another High Court.
118. In case of an advocate duly transferred to the Bar Council of another State, his name shall be removed from the roll and intimation to that effect shall be sent to the Bar Council of the State to which he has been transferred as well as to the Bar Council of India. In case of an advocate whose name has been duly transferred from the Bar Council of another State an entry to that effect, maintaining his seniority as in the State from which he has been transferred, shall be made in the roll.
 119. After the roll of advocates has been prepared for the first time, the Council shall transmit within one month thereof an authentic copy of the same to the Bar Council of India and shall thereafter communicate to the Bar Council of India all alterations made on the roll within 15 days of its making.
 120. Subject to the provisions of section 21(1) of the Act any dispute, arising in respect of the seniority of any persons on the roll of advocates maintained by the Council shall be referred to the Enrolment Committee which shall submit its report to the Council. The decision of the Council thereon shall be final.

CHAPTER X

Rules framed under Section 15 (1) and 15 (2) (k) of the Act

EMPLOYEES OF THE COUNCIL

121. The following full-time employees shall be appointed to carry on the business of the Council:
 - (i) Secretary;
 - (ii) Accountant;
 - (iii) Steno-typist;

- (iv) Peon;
 - (v) Employees recommended by the Legal Education Committee to perform the duties connected with that Committee;
 - (vi) Any other employees as may be considered necessary from time to time.
122. "The Secretary shall be a full-time employee of the Council and should be a Law Graduate."
123. The Secretary shall be on probation for a period of one year before he is confirmed.
124. (1) The Secretary shall be the chief executive employee of the Council and shall perform the following duties:
- (i) attend meetings of the Council and Committees unless otherwise directed;
 - (ii) keep records and minutes of proceedings of the Council and its Committees;
 - (iii) keep in his custody the property of the Council including its common seal;
 - (iv) exercise control and supervision over the employees of the Council;
 - (v) communicate to the Council, its various Committees and the Chairman all matters required to be so communicated under the Act and the Rules.
 - (vi) deposit monies received on behalf of the Council in the bank and see to the security of cash in hand;
 - (vii) convene meetings of the Council and its Committees;
 - (viii) make available the records of the Council for inspection to its members;
 - (ix) issue requisite notifications for various purposes as prescribed by the Act and the Rules;
 - (x) attend the correspondence of the Council; and
 - (xi) perform such other duties as may be assigned to him by the Council, the Committees, the Chairman and the Vice-Chairman.
- (2) The Secretary or other employees of the Council shall not divulge, to any person other than a member of the Council, any confidential communications or other information except furnishing such information as may be required in discharge of their official duties.
125. The conditions of service of the staff of the Bar Council shall be as under:
- (i) *Termination of service*- An employee shall not leave or discontinue his service without first giving one month's notice in writing of his intention to leave or discontinue service or paying one month's pay *in lieu* of notice. The Council shall not terminate the service of an employee without giving one month's notice of termination of service or paying one month's pay *in lieu* of notice. No notice will, however, be necessary if the services of an employee are terminated on account of misconduct.
 - (ii) *Right of appeal*- An employee shall have right of appeal against any order passed by the Executive Committee to the Bar Council and against any order of the Secretary to the Executive Committee.
 - (iii) *Maintenance of service record*- Record of service of each employee shall be maintained separately by the office.

- (iv) *Pay and allowance of Various Member of the Staff*- The pay and allowances may be determined by the Council by resolution from time to time. The pay and allowances shall become payable on the first working day of the month following the month for which they are due.
- (v) *Tenure of office*- An employee of the Council may continue in service so long as he is efficient and physically fit to discharge his duties; subject to the maximum age of 60 years but the Council in a fit case can give extension up to the age limit of 65 years.
- (vi) *Leave*- The leave shall be earned by duty. Leave may be granted to an employee by the Executive Committee as under:
 - (a) Thirty days leave with full pay for every eleven months.
 - (b) Thirty days leave with half pay for every eleven months service on medical grounds.
 - (c) An employee shall be entitled to ten days casual leave during calendar year. In computing casual leave the intervening holidays shall not be reckoned as days of casual leave.
 - (d) *Gazette holiday*- The staff shall observe the same holidays as of the High Court at Delhi except the summer vacations.
 - (e) *Absence from duty*- An employee shall not absent himself from duty without having first obtained the permission of the Secretary nor shall be absent himself in case of sickness or accident or some urgent private piece of business without submitting an application in writing through a message or by post.

A separate Saving Account shall be opened in the State Bank or any nationalized Bank in the name of the employee concerned. The provident fund contributions of the employer and the employee shall be regularly deposited every month in the account of the employee and the Pass Book shall remain in the custody of the Secretary. The employee shall not withdraw any money from this account except in special circumstances with the permission in writing of the Executive Committee. The provident fund amount shall be paid to the employee on his retirement and in case of his death before retirement to his assignee or nominee.

MAINTENANCE OF BOOKS & RECORDS

Rules framed under S. 12 read with S. 15 (2)(1).

126. The Council shall maintain the following books and records.

- (i) Roll of Advocates;
- (ii) Minutes Books of the Council and each of its Committees;
- (iii) Stock Book of the property of the Council;
- (iv) Despatch and Receipts Registers;
- (v) Day Book, Cash Book and Ledger Book;
- (vi) Register of Investments;
- (vii) Register of Applications for Enrolment;
- (viii) Register for Apprentices;
- (ix) Register of Examinations and Results;
- (x) Register of complaints against advocates, showing the nature of Complaint and the result thereof; and
- (xi) Any other register or record as may be directed by the Council from time to time.

CHAPTER XI

MANAGEMENT AND INVESTMENT OF FUNDS

Rule framed under S. 6(f) read with S. 15(2) (n) of the Act.

127. The monies of the Council shall be deposited in a Bank Account maintained with any Nationalised Bank in current or saving bank account in the name of the Bar Council of Meghalaya.
128. All expenditure as far as may be expedient, shall be made payable by a cheque on this said bank.
129. Every cheque on the bank in the name of the Council shall be signed by the Chairman or the Vice-Chairman and the Secretary.
130. The Secretary shall be authorized to keep in hand at a time a sum of ₹ 1000/- for contingent expenditure.
131. The Council shall invest its funds or any part thereof in approved and authorized securities or in any other manner as it may deem fit.
132. Each Committee shall by the end of the year communicate its requirements and demands for funds to the Executive Committee, which shall prepare a budget for the next financial year to be presented before the Council in a meeting to be held before the expiry of the current financial year.
133. The Accountant shall maintain accounts of the income and expenditure of the Council and each of the Committees.

Levy of fees in the following matters:

- | | |
|---|-----------|
| (a) For a certificate as to the date of enrolment and the continuance of the continuance of the name of the Advocate on the Roll. | Rs. 100/- |
| (b) For the requisite certificate required to be produced with the transfer application under section 18 of the Act. | Rs. 100/- |
| (c) For Inspection by the complaint or the concerned advocates, of documents relating to disciplinary matter. | Rs. 100/- |
| (d) For inspection of the Roll of advocate or the voters list. | Rs. 200/- |
| (e) For collection of Enrolment Certificate after a period of one year. | Rs. 200/- |
| (f) For interlocutory applications, before the Disciplinary Committees. | Rs. 200/- |
| (g) Copying charges per hundred word. | Rs. 2/- |
| (h) Application for a copy. | Rs. 10/- |

CHAPTER XII

Rules framed under S. 12 read with S.15 (2) (m).

134. The Council shall have its accounts audited every year by a Chartered Accountant, appointed in the meeting, convened for passing the budget.
135. The report of auditor shall be placed before the Council in the budget meeting for consideration and proper action.

APPLICATION FORMS
BAR COUNCIL OF MEGHALAYA

Application No..... of 20.....

Under S.25 read with S.24 of the Advocate Act 1961

(Name of Applicant.....

(in full in block letters, surname (first)

Address:

1. Permanent

2. Temporary/Present

To,

The Secretary,

The Bar Council of Meghalaya

I,

son/daughter/wife of
do hereby declare that I am desirous of being admitted as an Advocate on the roll of Advocates maintained by the Bar Council of Meghalaya and beg to apply for the same.

1. I, hereby declare that—
I am a citizen of India,
I am a national of where citizens of India, duly qualified are permitted to practice law.
2. I hereby declare that I have completed twenty- one years of age, my date of birth being (Original Matriculations/H.S. Certificate to be furnished).
3. I declare that upon admission I propose to practice within the State of Delhi.
4. I am qualified to be admitted as an Advocate on the State Roll under clause (c) of Sub-section (1) or Sub-section (2) or Sub-section (3) or Sub-section (4) of Section 24* of the Advocates Act, 1961 (No. 25 of 1961).
5. I declare that I was enrolled as District Pleader/Vakil/Mukhtar/Advocate by..... High Court/Judicial Commissioner's Court/District Court as per sanad/certificate enclosed.
6. I was enrolled as an Attorney of the Court of as per certificate enclosed.
7. I beg to furnish the details necessary under Section 24 (1)(c) of the Advocates' Act, 1961, read with the relevant rules of the Bar Council of India and the Bar Council of Meghalaya.
- A. I hold a degree in law of a University in India recognized by the Bar Council of India under Section 24 (1) (c) of the Advocates' Act. The particulars thereof are given below:
 1. IF A GRADUATE-
 - (i) The College where the degree in Arts/Science or Commerce was taken:.....
 - (ii) The year in which it was taken.....
 - (iii) The Name of the degree.....
 - (iv) The medium of instruction in the said course.....
 - Whether English was one of the compulsory subjects. Whether he had passed in the examination or test for proficiency in English.
 - (v) Other particulars, if any, regarding the qualifications obtained before joining the course of instruction in law:

2. IF NOT A GRADUATE-

- (i) The other academic qualification if any equivalent to a degree as prescribed by the Bar Council of India under Section 24(1) (c) (iii) or (iv) of the Advocates' Act.....
- ii) The medium of instruction in the said course.
- B. (i) Name of the University in which the degree in law was taken.....
- (ii) Name of the degree in law.....
- (iii) The academic years of the course of instruction and the year when the degree was taken
.....
- (iv) Name of the College where the course of instruction was taken and completed
.....
- (v) Whether the degree was taken by private study or actual attendance at classes
.....
- (vi) The duration of the course of instruction in law whether two years or three years
.....
- (vii) The medium of instruction in law. The language in the course of instruction in law
.....
- (viii) Whether proficiency test in English was passed in the course of instruction in law
.....
- (ix) Other relevant particulars, if any.....
- C. I hold a degree in law of a University outside the territory of India, which is recognized by the Bar Council of India, and the particulars are given below:-
 - (i) The Name of the University.....
 - (ii) The Name of the Degree
- D. I am a barrister at law called to the Bar in the year and qualified under Section 24(1) (c).
I studied in the law
In the year.....
- 8. (To be filled up by persons who have undergone the three years course study and taken the degree in law).
In my course of study for 3 years, I have had practical training and passed examinations as required by the Bar Council of India (give particulars).
- 9. I enclose (original certificates and diplomas and furnish true copies of the original) (particulars to be furnished).
- 10. I enclose certificates of good moral character and of fitness to be an Advocate on the Roll of the Bar Council of Delhi, (particulars to be furnished).
- 11. *I do hereby declare that I am / am not in full or part-time employment.
- 12. *I declare that I am not/ I am engaged in any trade or business or profession.
- 13. *I give particulars of my previous employment or service or trade or business or profession as under;

14. *I have left my previous employment or service in consequence of termination of service, retirement, resignation/dismissal on under the following circumstances.
15. *I have left my previous trade, business or profession in the year by reason of (The applicant is expected to answer with utmost frankness & candour).
16. State any other circumstance or incident effecting your character or fitness to be enrolled.
17. I declare that I made a previous application for enrolment as Advocate to the Bar Council of Court of on The application was rejected for the reason of
The application was withdrawn. (Copy of the order of the Bar Council or Court concerned to be filed). (If no such application was made it should be specifically stated.)
18. (a) Have you been convicted previously by any Court in India or outside India. (Answer specifically yes or no.)=
Give particulars as to the name of the Court, the number of proceedings, the order or judgement, whether any appeal or revision filed and the result of the same, giving the date, nature of the appeal under each head, (file relevant copies)
(b) Is there any pending Criminal Proceeding against you, if so give full particulars as to name of Court, date of proceeding etc.
(c) Have you been dismissed or suspended from service or otherwise punished while in service.
19. Have you been adjudged as insolvent by any Court, (give particulars)
20. I herewith pay/remit ₹ 1000/- (Rupees one thousand) only being the enrolment fee payable under Section (24) (1) (f) of the Advocates' Act, 1961.
21. I hereby declare that if admitted as an Advocate I will faithfully observe and abide by all the rules made by the Bar Council of Delhi and Bar Council of India as amended from time to time for regulating the conduct of Advocates on the State Roll and the Common Roll of India. I have read rules relating to Standards of Professional Conduct and Etiquette printed overleaf.
22. I give my undertaking as required.
23. I declare that the statements made in this application are true to the best of my own knowledge, information and belief.
24. I undertake to furnish such other particulars as may be required of me for the purpose of this application.
25. I am herewith furnishing three copies of my passport size photographs duly attested by an advocate of above 10 years standing who has also given the character certificate.

Signature

N.B. If any statement or fact stated in the application is found to be false at any time, the name of the applicant shall be liable to be struck off the roll under proviso to Sub-section (1) of Section 26 of the Advocates Act, 1961.

CERTIFICATE OF GOOD MORAL CHARACTER

I,

(Name)

of

(Address and profession, occupation or position)

certify that

(Name and description of applicant)

has been known to me personally for upwards of years last past. I have had the following opportunities of judging his/her character (that is to say)

I believe him/her to be a person of respectability and fit and proper person to be admitted as an Advocate on the Roll of Advocates of the Council of Delhi.

Dated this day of 198

Signature

No. on the

Roll

Date of enrolment as an

Advocate.....

CERTIFICATE OF GOOD MORAL CHARACTER

I,

(Name)

of

(Address and profession, occupation or position)

certify that

(Name and description of applicant)

has been known to me personally for upwards of years last past. I have had the following opportunities of judging his/her character (that is to say)

I believe him/her to be a person of respectability and fit and proper person to be admitted as an Advocate on the Roll of Advocates of the Bar Council of Meghalaya.

Dated this day of 198

Signature

No. on the

Roll

Date of enrolment as an

Advocate.....

UNDERTAKINGS

- (a) I do hereby undertake that if, after my admission as an advocate, I accept full or part-time service, or I am engaged in any trade, business or profession (unless exempted by the Bar Council under its rules), I shall forthwith inform the Bar Council of such employment or engagement and shall cease to practice as an Advocate.
- (b) I do hereby undertake that I shall not accept any employment which, in the opinion of the Bar Council, is derogatory to the status of an Advocate.
- (c) I hereby declare and undertake that-
- (i) I shall uphold the Constitution and the laws.
 - (ii) I shall conform to the standards of professional conduct and etiquette laid down by the Bar Council of India which I have read.
 - (iii) I shall faithfully discharge every other obligation cast on me by the Advocates' Act, 1961 and the rules framed thereunder.
 - (iv) I intend to practice ordinarily and regularly within the jurisdiction of the Bar Council of Meghalaya.
 - (v) I shall inform the Bar Council of any change of address of my residence or place of practice for the proper maintenance of the roll and voters' list.

I declare that the facts stated above in this application are true and correct and that the documents filed are genuine.

Dated this day of 19

Signature

BAR COUNCIL OF MEGHALAYA
ORDER SHEET
Office Report

The applicant Shri son/daughter/wife of Shri..... aged about is a graduate in law of the University, having obtained the degree in the year and as such is entitled to be enrolled as an Advocate under proviso (1) to cl.(d) to section 24(1) of the Advocates' Act, 1961.

OR

The applicant Shri son/daughter/wife of Shripleader practicing in the district of is a graduate and is entitled to be enrolled as an Advocate under section 24(2) of the Advocates' Act, 1961.

RECOMMENDATION

The applicant may be/may not be enrolled as an Advocate under Section 24 of the Advocates' Act, 1961.

Date

Secretary

ORDER OF THE ENROLMENT COMMITTEE

The applicant Shri son/
daughter/wife of Shri of to be
enrolled as an Advocate under provision of the Advocates' Act, 1961.

(2) The applicant Shri son/daughter/wife of
Shri is not entitled to be enrolled for the reason
given separately.

Member	Member	Member
Enrolled on		
Enrolment No.		Secretary
Date.....		

APPLICATION FOR FINANCIAL AID TO INDIGENT AND
DISABLED ADVOCATE

1. Full name of applicant advocate
2. Resident Address
3. Office or Chamber Address
.....
4. Date of enrolment
5. Court or Courts in which the applicant is or had been practicing.....
.....
6. Reasons for financial aid see notes (a) and (b) below
7. The name and extent of financial aid
8. Period for which the aid is required
9. The number of members of the family of the applicant and their relations to the applicant
.....
10. Average monthly professional income of the applicant
11. Source of other income and the extent thereof
12. Income of other members of the family of the applicant
13. Whether the applicant has applied for or received aid previously
and if so, when, state the nature and duration of such aid received
14. Whether the applicant has applied for and/or is or was in receipt of aid from
any person, trust or institution and if so, since when state the nature, extent
and duration thereof

15. Whether the applicant has any movable or immovable property, state the particulars thereof and the value thereof and state particulars of any encumbrances thereon
16. Whether the applicant has any bank Account, if so, state the particulars thereof
17. Whether the applicant has any cash or investment state the particulars thereof
18. Whether the applicant is insured if so, state the particulars of the insurance policy and whether premium is regularly paid or not
19. Whether the applicant is prepared to give any Security or guarantee, If so, state the particulars thereof
20. Whether the applicant has been held guilty of professional misconduct at any time by any Bar Council or High Court and if so, state the particulars thereof
21. Whether any complaint of misconduct is pending against the applicant, if so, state the particulars thereof
22. Whether the applicant has been convicted in a Criminal Court, Involving moral turpitude, if so, state the particulars thereof.....
23. Whether the applicant has any money decree against him or her in his/her favour, if so, state the particulars thereof
- (i) The particulars furnished and the statements made herein above are true to the best of my knowledge, information and belief.
- (ii) I agree and undertake to inform the Bar Council of any change of circumstances or conditions during the period of the aid.
- (iii) I agree and undertake to supply to the Council any particulars and information in connection with this application or the aid as may be required from time to time by the Council or the Committee or the Secretary of the Council.

This day of of 19.....

Signature of the applicant

Note: (a) In case of disability, a medical certificate to the satisfaction of the Committee shall be furnished.

(b) In case of the indigent, two certificate by advocates of not less than 15 years' standing certifying of their own knowledge the indigent circumstances of the applicant shall be furnished. Certifying advocate must not be related to the applicant.

(c) In the event of the applicant being unable to sign the application may be signed by any other Advocate or the adult member of the family of the applicant.

BAR COUNCIL OF MEGHALAYA
FORM FOR REVIVAL OF LICENCE

1. Name
2. Father's Name
3. Present Address
4. Number on the roll
5. Reasons for suspension of Licence
6. Avocation during the period of suspension
7. Has the applicant been convicted during the period of suspension of licence, if so, nature and result of the prosecution.
8. Does the applicant intend to practice ordinarily and regularly within the jurisdiction of the Bar Council of Meghalaya.
9. Has the applicant been engaged in any trade or business during the period of suspension of licence, if so, has he relinquished his interest in that trade or business.
10. Has he been declared insolvent during the period of suspension of this licence ?

BAR COUNCIL OF MEGHALAYA
CERTIFICATE OF ENROLMENT
AS
ADVOCATE

Under the Advocate Act, 1961

Number on the Roll

This is to certify that Shri
son/daughter/wife of Shri has this day been admitted
to be an Advocate of the Bar Council of Meghalaya and his/her name has been entered in the Roll of
Advocates maintained by this Council.

Given under my hand and the seal of the Bar Council this day of19

Chairman

BAR COUNCIL OF MEGHALAYA